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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,015	05/23/2001	Patrick T. McMullen	7067-101	3769

167 7590 01/09/2003

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EXAMINER

LAM, THANH

ART UNIT PAPER NUMBER

2834

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Please find below and/or attached an Office communication concerning this application or proceeding.



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Paper No.

**FAILURE TO ACCEPTABLY RESPOND TO
NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)
No New Time Period for Reply is Provided**

The amendment filed on 12-4-02 is not fully responsive to the **prior Notice of Non-Compliant Amendment** (37 CFR 1.121) because it fails to provide the corrective action required by the prior notice. Since the amendment, including both the originally filed amendment and the amendment filed in response to the prior notice, is still considered to be non-compliant under 37 CFR 1.121(effective 3/2/01), applicant is required to submit the correction(s) listed below. **The period for reply continues to run** from the mailing date of the prior Notice of Non-Compliant Amendment. The corrections listed below must be timely filed to avoid abandonment of this application. No new time period for reply is provided in this communication. See the Manual of Patent Examining Procedure, 8th Edition, (MPEP) § 714.03.

If the period for reply set forth in the prior Notice of Non-Compliant Amendment has expired, this application will become abandoned unless applicant: (1) corrects the deficiency, **and** (2) obtains an extension of time under 37 CFR 1.136(a). In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the prior Notice of Non-Compliant Amendment (37 CFR 1.121).

THE FOLLOWING CORRECTION(S) TO THE AMENDMENT MUST BE SUBMITTED:

- ☐ 1. A clean version of the replacement paragraph(s)/section(s)
- ☒ 2. A marked-up version of the replacement paragraph(s)/section(s)
- ☐ 3. A clean version of the amended claim(s)
- ☐ 4. A marked-up version of the amended claims(s)

Explanation: _____

(SLIE: please provide specific details for correction to assist the applicant. For example: the clean version must include amended claim 6 or the marked-up version must be consistent with the clean version.)

For further explanation of the format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/dcom/olia/pbg/sampleaf.pdf>. A sample amendment format is attached. Any inquiries concerning this application or why the amendment including the supplemental amendment is still non-compliant may be directed to the Customer Service Center of the Technology Center. Any legal questions regarding 37 CFR 1.121 may be directed to the Office of Patent Legal Administration at (703) 308-6906 or (703) 305-1795.

Ms. Hawkins

Supervisory Legal Instruments Examiner (SLIE)